

DECLARATION, POWER OF ATTORNEY AND PETITION

We, Peter Pal VARGA, M.D. and James A. OGILVIE, M.D., declare: that we are citizens of Hungary and the United States of America, respectively; that our residences and post office addresses are 1126 Budapest, Kiralyhago utca 1-3, Hungary, and 717 Coventry Lane, Edina, Minnesota 55435, respectively; that we verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled INTERVERTEBRAL SPACER, for which a patent is sought and which is described and claimed in the specification filed on June 12, 2000, and having an application serial no. 09/592,072; that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys and/or patent agents, Grant R. Clayton, Registration No. 32,462, Alan J. Howarth, Registration No. 36,553, Karl R. Cannon, Registration No. 36,468, and Bretton L. Crockett, Registration No. 44,632, all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all future correspondence in connection with this application to:

Customer No. 20,449

Please direct all telephonic and facsimile communications to:

Karl R. Cannon
Telephone: (801) 255-5335
Facsimile: (801) 256-2043

Please reference the below provided attorney docket number in all communications:

T9376

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at Budapest, Hungary, this
(City) (Country)
11th day of December, 2000.

INVENTOR:

Peter Pal VARGA

Signed at Minneapolis, MN, this
(City) (State)
28 day of July, 2000.

INVENTOR:

James W. Ogilvie
James A. OGILVIE, M.D.

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